because the Agency views this as a noncontroversial revision amendment and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to that direct final rule, no further activity is contemplated in relation to this proposed rule. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. The EPA will not institute a second comment period on this document. Any parties interested in commenting on this document should do so at this time.

DATES: To be considered, comments must be received by September 1, 1995.

ADDRESSES: Written comments should be sent to Ben Franco, EPA Region 4, Air Programs Branch, 345 Courtland Street NE, Atlanta, Georgia, 30365. Copies of the redesignation request and the State of North Carolina's submittals are available for public review during normal business hours at the addresses listed below. EPA's technical support document (TSD) is available for public review during normal business hours at the EPA addresses listed below.

Air and Radiation Docket and Information Center (Air Docket 6102), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460.

Environmental Protection Agency, Region 4, Air Programs Branch, 345 Courtland Street NE., Atlanta, Georgia 30365.

Department of Environment, Health and Natural Resources, P.O. Box 29535, Raleigh, North Carolina 27626–0535.

FOR FURTHER INFORMATION CONTACT: Ben Franco of the EPA Region 4 Air Programs Branch at (404) 347–3555, ext. 4211, and at the above address.

SUPPLEMENTARY INFORMATION: For additional information see the direct final rule which is published in the rules section of this **Federal Register**.

Dated: June 26, 1995.

Patrick M. Tobin,

Acting Regional Administrator.

[FR Doc. 95–18882 Filed 8–1–95; 8:45 am]

BILLING CODE 6560–50–P

40 CFR Part 61

[FRL–5269–9]

Interim Approval of Delegation of Authority; National Emission Standards for Hazardous Air Pollutants; Radionuclides; Washington

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA proposes to grant interim delegation of authority to the state of Washington to implement and enforce two National Emission Standards for Hazardous Air Pollutants (NESHAPs) for radionuclides. The request for delegation was submitted by the state pursuant to 40 CFR 63.91 for delegation of federal standards, as promulgated. In the final rules section of this **Federal Register**, EPA is granting interim approval of the state's request for delegation as a direct final rule without prior proposal because the Agency views this as a noncontroversial action and anticipates no adverse comments. EPA's rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to this proposed rule, no further activity is contemplated in relation to this rule. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period on this action. Thus, any parties interested in commenting on this action should do so in the next 30 days.

DATES: Comments on this proposed rule must be received in writing by September 1, 1995.

ADDRESSES: Written comments should be addressed to Richard Poeton, EPA Region 10, AT–082, 1200 6th Avenue, Seattle, Washington 98191 and concurrently to Allen W. Conklin, Head, Air Emissions and Defense Waste Section, Washington Department of Health, Airdustrial Center Building #5, P.O. Box 47827, Olympia, Washington, 98504–7827. Copies of the material submitted to EPA are available for public inspection during normal business hours at the above locations.

FOR FURTHER INFORMATION CONTACT: Richard Poeton at (206) 553–8633.

SUPPLEMENTARY INFORMATION: See the information provided in the final action which is located in the final rules section of this **Federal Register**.

List of Subjects in 40 CFR Part 61

Environmental Protection, Air pollution control, Intergovernmental relations, Radiation protection.

Authority: 42 U.S.C. 7412.

Dated: July 20, 1995.

Chuck Clarke,

Regional Administrator, Region 10.

[FR Doc. 95–18988 Filed 8–1–95; 8:45 am]

BILLING CODE 6560–50–P

40 CFR Part 180

[PP 8E3574/P620; FRL–4963–5]

RIN 2070–AC18

Terbufos; Pesticide Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA proposes to extend the time-limited import tolerance for combined residues of the insecticide/nematicide terbufos and its cholinesterase-inhibiting metabolites in or on the raw agricultural commodity (RAC) green coffee beans for an additional 2 years. American Cyanamid Co. submitted a petition pursuant to the Federal Food, Drug and Cosmetic Act (FFDCA) requesting the proposed regulation to establish a maximum permissible level for combined residues of the insecticide/nematicide in or on the commodity.

DATES: Comments, identified by the document control number [PP 8E3574/P620], must be received on or before September 1, 1995.

ADDRESSES: By mail, submit written comments to: Public Response and Program Resources Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, bring comments to: Rm. 1132 CM #2, 1921 Jefferson Davis Hwy., Arlington, VA 22202. Information submitted as a comment concerning this document may be claimed confidential by marking any part or all of that information as ''Confidential Business Information'' (CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the comment that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice. All written comments will be available for public inspection in Rm. 1132 at the address given above, from 8 a.m. to 4:30 p.m.,

Monday through Friday, excluding legal holidays.

Comments and data may also be submitted electronically by sending electronic mail (e-mail) to: opp-docket@epamail.epa.gov. Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Comments and data will also be accepted on disks in WordPerfect in 5.1 file format or ASCII file format. All comments and data in electronic form must be identified by the docket number [PP 8E3574/P620]. No Confidential Business Information (CBI) should be submitted through e-mail. Electronic comments on this proposed rule may be filed online at many Federal Depository Libraries. Additional information on electronic submissions can be found below in this document.

FOR FURTHER INFORMATION CONTACT: By mail: Robert A. Forrest, Product Manager (PM) 14, Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St. SW., Washington, DC 20460. Office location and telephone number: Rm. 219, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA 22202, (703)-305-6600; e-mail: forrest.robert@epamail.epa.gov. .

SUPPLEMENTARY INFORMATION: EPA issued rules, published in the **Federal Register** of May 19, 1993 (58 FR 29118), and May 26, 1993 (58 FR 30220), which announced its decision to establish a time-limited tolerance for residues of the insecticide/nematicide terbufos on coffee beans for a period extending to May 19, 1995. The Agency limited the period of time that the regulation was to be in effect because the available rat metabolism study was found to only partially satisfy current guideline requirements of 85-1.

The American Cyanamid Co. has submitted a new rat metabolism study and has requested that the Administrator, pursuant to section 408(e) of the Federal Food, Drug and Cosmetic Act (FFDCA), 21 U.S.C. 346a(e), amend 40 CFR 180.352 by converting the 2-year time-limited import tolerance for combined residues of the insecticide/nematicide terbufos and its cholinesterase-inhibiting metabolites in or on the raw agricultural commodity coffee beans at 0.05 part per million (ppm) to permanent status.

The designation, coffee beans, is corrected to read ''green coffee beans'' to reflect the current definition of this raw agricultural commodity.

The scientific data submitted in the petition and other relevant material have been evaluated. The toxicological data considered in support of the proposed tolerance include:

1. A 1-year dog-feeding study with a lowest-observable-effect level (LOEL) of 0.015 milligram/kilogram/day (mg/kg/day) (the lowest dose tested) based on the inhibition of plasma cholinesterase activity.

2. A 4-week dog plasma cholinesterase study with a no-observable-effect level (NOEL) of 0.005 mg/kg/day in which inhibition of plasma cholinesterase activity was observed at the 0.015-dose level, the highest dose tested. This represents an increase in the NOEL value for plasma cholinesterase activity from 0.0013 (which was previously considered as the NOEL for this study), and is consistent with the LOEL observed for this activity in the 1-year dog study referenced in item one above where effects were also observed at the 0.015-dose level. Doses of 0.00125, 0.0025, 0.005, and 0.015 were administered in the 4-week dog study.

3. A 1-year rat feeding study with an NOEL of 0.5 ppm (0.025 mg/kg) for inhibition of plasma and brain cholinesterase activity.

4. An 18-month mouse carcinogenicity study with no carcinogenic effect observed at dosages up to and including 12.0 ppm (1.7 mg/kg/day), which was the highest level tested.

5. A 2-year rat carcinogenicity study with no carcinogenic effects observed at doses up to and including 2.0 ppm (0.10 mg/kg/day).

6. A three-generation rat reproduction study with a NOEL of 0.25 ppm (0.0125 mg/kg) for reproductive effects.

7. A rat teratology study with a NOEL of 0.1 mg/kg/day for developmental toxicity.

8. A rabbit teratology study with a NOEL of 0.25 mg/kg/day for developmental toxicity.

9. An acute delayed neurotoxicity study in chickens, which was negative for neurotoxic effects under the conditions of the study (highest dose tested was 40 mg/kg).

10. Several mutagenic tests which were all negative. These include a dominant-lethal study in rats; an acute *in vivo* cytogenic assay in rats; an Ames test including metabolic activation; a DNA repair chromosomal aberration (CHO cells); CHO/HGPRT mutation assay; and a rat hepatocyte primary culture/DNA repair test.

11. In a metabolism study with rats, 69.3 to 86.3% of the dose was excreted in the urine within 168 hours. The total recovery of the dose ranged from 89.1 to 98.7%. There was no evidence of terbufos or its metabolites bioaccumulating in tissues. The percentage of phosphorylated and nonphosphorylated metabolites recovered in the urine ranged from nondetectable to 0.68% and from 5.6 to 18.4 percent, respectively. The predominant compound recovered in the feces was the parent.

The reference dose(RfD), based on the plasma cholinesterase inhibition (ChE) NOEL as defined in a 4-week dog study (0.005 mg/kg/day) and using a safety factor of 100 to account for the inter-species extrapolation and intra-species variability, is calculated to be 0.00005 mg/kg of body weight (bwt)/day. The co-critical study is a 1-year dog feeding study in which an NOEL was not established. The LOEL was 0.015 mg/kg based on chloinesterase inhibition. The theoretical maximum residue contribution (TMRC) for existing tolerances and the current action is 0.000052 mg/kg/bwt/day for the overall U.S. population. The current action will increase the TMRC by 0.000003 mg/kg/bwt/day (6 percent of the RfD).

This tolerance and previously established tolerances utilize a total of 110 percent of the RfD for the overall U.S. population and represent an increase in the previously calculated value of 42.1%.

Available information on anticipated residues and/or percent of crop treated was incorporated into the analysis to estimate the Anticipated Residue Contribution (ARC). The ARC is generally considered a more realistic estimate than an estimate based on tolerance-level residues and 100 percent crop treated. The ACR from established tolerances and the current action is estimated at 0.000016 mg/kg/day and utilizes 32.7 percent of the RfD for the U.S. population.

The ARC for children, aged 1 to 6 years old, and nonnursing infants (the group most highly exposed) for the established tolerances utilize 77.3 and 81.0 percent of the RfD, respectively. This action will not increase exposure to these subgroups because there is no information on coffee consumption for these subgroups.

Utilizing the NOEL from the 4-week dog plasma cholinesterase study (0.005 mg/kg/day), the estimated margins of exposure (MOEs) calculated as the acute dietary risk for coffee alone is 125 for four of the five subgroups indicating that coffee per se does not present an unacceptable acute risk and does not appear to substantially increase the acute dietary risk from terbufos. For the remaining subgroup, nonnursing infants, there is no exposure resulting from the green coffee bean tolerance.

The Agency is currently conducting a reassessment of all the established tolerances for terbufos and, if warranted, will refine the estimated MOEs based on results of that reassessment. The current estimated acute dietary risk for all the established terbufos tolerances indicates that an unacceptable risk exists assuming that residue levels are at the established tolerance and that 100 percent of the crop is treated. The Agency believes that actual residues to which the public is likely to be exposed are considerably less than indicated for the following reasons.

1. Most treated crops have residue levels which are below the established tolerance level at the time of consumption.

2. Not all the planted crop for which a tolerance is established is normally treated with the pesticide.

The nature of the residue in plants is adequately understood for the use of terbufos on coffee beans imported from Central America. There are no animal feed items involved with this use. Therefore, it is expected that no secondary residues in meat, milk, poultry, and eggs will result from the use of the pesticide on coffee beans.

An adequate analytical method, gas chromatography with a flame photometric detector, is available in the Pesticide Analytical Manual, Vol. II, for enforcement purposes.

There are currently no regulatory actions pending against the continued registration of this chemical.

The Agency is limiting the period of time that the proposed regulation is to be in effect to allow the Agency to complete its in-depth reassessment of the current established tolerances for terbufos. Upon completion of this reassessment, and, if warranted, the Agency will consider the establishment of a permanent tolerance for green coffee beans.

Residues not in excess of 0.05 part per million in or on green coffee beans after expiration of the tolerance will not be considered actionable if the insecticide-nematicide is legally applied during the term of, and in accordance with, provisions of the time-limited tolerance.

Based on the information and data considered, the Agency has determined that the tolerance established by amending 40 CFR part 180 would protect the public health. Therefore, it is proposed that the tolerance be established as set forth below.

Any person who has registered or submitted an application for registration of a pesticide, under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended, which contains any of the ingredients listed herein, may request within 30 days after publication of this document in the **Federal Register** that this rulemaking proposal be referred to an Advisory Committee in accordance with section 408(e) of the FFDCA.

Interested persons are invited to submit written comments on the proposed regulation. Comments must bear a notation indicating the document control number, [PP 8E3574/P620]. All written comments filed in response to this petition will be available in the Public Response and Program Resources Branch, at the address given above from 8 a.m. to 4:30 p.m., Monday through Friday, except legal holidays.

A record has been established for this rulemaking under docket number [PP 8E3574/P620] (including objections and hearing requests submitted electronically as described below). A public version of this record, including printed, paper versions of electronic comments, which does not include any information claimed as CBI, is available for inspection from 8 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The public record is located in Room 1132 of the Public Response and Program Resources Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA.

Written objections and hearing requests, identified by the document control number [PP 8E3574/P620], may be submitted to the Hearing Clerk (1900), Environmental Protection Agency, Rm. 3708, 401 M St., SW., Washington, DC 20460.

A copy of electronic objections and hearing requests filed with the Hearing Clerk can be sent directly to EPA at:

opp-Docket@epamail.epa.gov

A copy of electronic objections and hearing requests filed with the Hearing Clerk must be submitted as an ASCII file avoiding the use of special characters and any form of encryption.

The official record for this rulemaking, as well as the public version, as described above will be kept in paper form. Accordingly, EPA will transfer any objections and hearing requests received electronically into printed, paper form as they are received and will place the paper copies in the official rulemaking record which will also include all objections and hearing requests submitted directly in writing. The official rulemaking record is the paper record maintained at the address in ''ADDRESSES'' at the beginning of this document.

Under Executive Order 12866 (58 FR 51735, Oct. 4, 1993), the Agency must determine whether the regulatory action is ''significant'' and therefore subject to all the requirements of the Executive Order (i.e., Regulatory Impact Analysis, review by the Office of Management and Budget (OMB)). Under section 3(f), the order defines ''significant'' as those actions likely to lead to a rule (1) having an annual effect on the economy of $100 million or more, or adversely and materially affecting a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local or tribal governments or communities (also known as ''economically significant''); (2) creating serious inconsistency or otherwise interfering with an action taken or planned by another agency; (3) materially altering the budgetary impacts of entitlement, grants, user fees, or loan programs; or (4) raising novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in this Executive Order.

Pursuant to the terms of this Executive Order, EPA has determined that this rule is not ''significant'' and is therefore not subject to OMB review.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-354, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: July 18, 1995.

Peter Caulkins,

Acting Director, Registration Division, Office of Pesticide Programs.

Therefore, it is proposed that 40 CFR part 180 be amended as follows:

PART 180—[AMENDED]

1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 346a and 371.

2. In § 180.352, by revising paragraph (b), to read as follows.

§ 180.352 Terbufos; tolerances for residues.

* * * * *

(b) A time-limited tolerance to expire (date 2 years after date of publication of final rule based on this proposal) is established for combined residues of the insecticide/nematicide terbufos (*S*-[[1,1-dimethyl)thio] methyl] *O,O*-diethyl phosphorodithioate) and its cholinesterase-inhibiting metabolites in or on the following raw agricultural commodity:

Commodity	Parts per million
* * * * *	
Coffee beans, green[1]	0.05
* * * * *	

[1]There are no U.S. registrations as of August 2, 1995 for the use of terbufos on the growing crop, coffee.

[FR Doc. 95–19004 Filed 8–1–95; 8:45 am]
BILLING CODE 6560–50–F

40 CFR Parts 180 and 185

[OPP–300393; FRL–4967–1]

RIN 2070–AC18

Mevinphos; Proposed Amendment and Revocation of Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This document proposes the revocation of all tolerances listed at 40 CFR 180.157 and 185.4200 for residues of the insecticide mevinphos (Phosdrin®) in or on all raw agricultural commodities and processed foods. EPA is initiating this action because all U.S. mevinphos registrations were canceled on July 1, 1994. Because existing stocks of mevinphos may be used through November 30, 1995, the proposed revocations will become effective May 31, 1996, in order to ensure that no mevinphos residue will occur on legally treated crops, whether they are raw agricultural commodities or processed foods.

DATES: Written comments, identified by the docket control number OPP–300393, must be received on or before October 2, 1995.

ADDRESSES: By mail, submit comments to: Public Response Program Resources Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St. SW., Washington, DC 20460. In person, deliver comments to: Rm. 1132, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA 22202.

Comments and data may also be submitted electronically by sending electronic mail (e-mail) to: opp-docket@epamail.epa.gov. Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Comments and data will also be accepted on disks in WordPerfect in 5.1 file format or ASCII file format. All comments and data in electronic form must be identified by the docket number ''OPP–300393.'' No Confidential Business Information (CBI) should be submitted through e-mail. Electronic comments on this document may be filed online at many Federal Depository Libraries. Additional information on electronic submissions can be found in Unit V. of this preamble.

Information submitted as a comment concerning this document may be claimed confidential by marking any part or all of that information as CBI. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the comment that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice. All written comments will be available for public inspection in Rm. 1132 at the Virginia address given above from 8 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays.

FOR FURTHER INFORMATION CONTACT: By mail: Richard Dumas, Special Review and Reregistration Division (7508W), Office of Pesticide Programs, Environmental Protection Agency, 401 M St. SW., Washington, DC 20460. In person: Special Review Branch, Third floor, Crystal Station 1, 2800 Crystal Drive, Arlington, VA 22202, Telephone number: (703) 308–8015, e-mail: dumas.richard@epamail.epa.gov.

SUPPLEMENTARY INFORMATION:

I. Introduction

Mevinphos (Phosdrin®) is a broad-spectrum organophosphate insecticide primarily used on specialty/minor use crops. It is used chiefly as an acaricide and was registered for use on 25 crops (principally leafy greens and cole crops) before cancellation. It has been produced in the U.S. by the sole technical registrant, Amvac Corporation of Los Angeles, California. Prior to its cancellation, approximately 200,000 to 500,000 pounds of active ingredient were used annually in the U.S.

II. Legal Background

The Federal Food, Drug, and Cosmetic Act (FFDCA) authorizes the establishment by regulation of maximum permissible levels of pesticides in or on foods. Such regulations are commonly referred to as ''tolerances.'' Without such tolerances or exemptions from tolerances, a food containing pesticide residues is considered to be ''adulterated'' under section 402 of the FFDCA, and hence may not legally be moved in interstate commerce (21 U.S.C. 342). Commodities subject to this proposal must no longer contain mevinphos residues following the revocation of the tolerances. To establish a tolerance for pesticide residues in or on raw agricultural commodities under section 408 of FFDCA, EPA must find that the promulgation of the rule would ''protect the public health'' (21 U.S.C. 346a(b)). To establish food additive regulations (FARs) to cover pesticide residues in processed foods under section 409 of FFDCA, EPA must determine that the proposed use of the food additive will be safe (21 U.S.C. 348). For a pesticide to be sold and used in the production of a food crop or food animal, the pesticide must not only have appropriate tolerances or FARs under FFDCA, but must be registered under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA, 7 U.S.C. 136 et seq.). FIFRA requires the registration of pesticides that are sold and distributed in the U.S.

This document proposes the revocation of all tolerances and FARs (hereafter tolerances will refer to both tolerances and FARs) established under sections 408 and 409 of the FFDCA, 21 U.S.C. 301 et seq., for residues of the pesticide mevinphos in or on all previously registered crops, as listed in 40 CFR 180.157 and 185.4200. In the absence of the appropriate clearances under FFDCA for residues of a pesticide on food or feed, any agricultural commodity or processed food domestically produced and/or imported into the United States found to contain mevinphos residues is adulterated under section 402 of FFDCA.

III. Regulatory Background

On June 30, 1994, when EPA was prepared to issue a Notice of Intent to Suspend all mevinphos registrations because of acute poisoning incidents involving agricultural workers, Amvac submitted a request for voluntary cancellation. EPA accepted this request and on July 1, 1994, issued a